

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2176

IN THE MATTER OF:

Served December 10, 1980

Application of CREATIVE TRAVEL,)
INC., for Temporary Authority to)
Conduct Special Operations)

Case No. AP-80-31

By application filed October 31, 1980, Creative Travel, Inc., seeks temporary authority "[t]o transport passengers to and from work. The bus will pick people up in the Hillcrest Heights, Temple Hills, Marlow Heights, Md., area (once in the morning) and drop them off at their work in downtown Washington, D. C. We will bring them home in the evening."

A map accompanying the application designates the general area of the above-listed towns. Applicant proposes to charge a daily round-trip fare of \$2 with payment due every two weeks. The service would be offered Monday through Friday each week. Each rider would be given five minutes leeway from scheduled pick-up time. Applicant will not charge any rider who is late for work due to carrier responsibility. Creative Travel states that the specific pick-up time will be determined once it has a "majority of the customers needed to run the operation." It further states that "[a]ll of the people that we will service will be leaving to and from work at approximately the same time. On this basis the bus will only make one round trip a day." Service is to be performed in a 50-passenger school bus. Applicant cites the Metrobus schedule for Routes H-11, 12, 14, and 17 as the existing carrier service available to the traveling public.

In support of the application Creative Travel has submitted 11 notarized statements from potential users of its service. Generally these statements assert problems with public transportation including overcrowding, tardiness, infrequent runs over some routes, poorly timed bus connections with Metrorail and excessive cost. Applicant lists

the names of 15 persons who also desire its service but have not filed supporting statements, and states that many more phone calls of a similar nature have been received.

The Commission served notice of the application on potentially interested parties, seeking comment on the proposed transportation. Among those served were the Washington Metropolitan Area Transit Authority (Metrobus and Metrorail), the Washington Suburban Transit Commission, the Prince George's County Executive, the Prince George's County Transportation Bureau and a number of private carriers who serve Prince George's County, Md. The only response received is from the Prince George's County Department of Public Works and Transportation. The Department urges denial of the temporary authority application because of the potential decrease in Metrobus operating revenue that would assertedly result from applicant's service. Prince George's County, like all other local jurisdictions, must subsidize Metrobus deficits from general taxpayer funds, according to respondent, and any diversion of Metrobus fares would directly increase the size of the subsidy needed to continue Metrobus operations. Furthermore, the Department asserts that there exists sufficient public transportation service in the described locales, listing eight Metrobus routes.

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission, in its discretion and without hearings or other proceedings, may grant temporary authority to "enable the provision of a service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need. . . ." Weighing the evidence of this case in light of these criteria, the Commission finds that applicant has failed to establish that such need for service as may exist is immediate and urgent in nature.

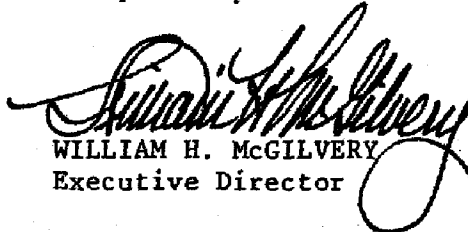
As an element in its consideration of the public interest the Commission looks to Metro's interest in a proceeding such as this to gauge the potential effect of a grant of authority, especially in view of the statement received from Prince George's County raising the issue of Metrobus fare diversion and the concomitant increase in the County subsidy of Metrobus operations. Most of the supporting statements were submitted by persons using Metrobus. While that service may now be inconvenient for any number of reasons, applicant has not shown an immediate and urgent need for service.

In addition, the application is deficient in that applicant has provided no data about the specific points to be served or the feasibility of picking up a large number of people (approaching the 50-passenger bus capacity) over a widespread (and ill-defined) area, allowing a five-minute leeway for latecomers, and delivering these passengers to work locations presumably spread over downtown Washington, D. C., during the morning rush hour. The lack of a back-up

vehicle portends serious problems for potential passengers if applicant's bus suffers a mechanical breakdown. Accordingly, the application will be denied.

THEREFORE, IT IS ORDERED that the above-captioned application of Creative Travel, Inc., is hereby denied.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS SCHIFTER, SHANNON AND CLEMENT. Commissioner Clement did not participate in the consideration or disposition of this case.


WILLIAM H. MCGILVERY
Executive Director